IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9863 of 2005

Between:

G. Manyam S/o. Kistanna, Hindu
Nagarkurnool Bus Depot, Mahabubnagar District.

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Nagarkunrool Bus Depot, Mahabubnagar District.
2 The Depot Manager, APSRTC, Wanaparthy Bus Depot, Mahabubnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondent in imposing the punishment of reducing the petitioner's basic pay by two incremental stages for a period of two years which shall have the effect on petitioners future increments as illegal, arbitrary, unjust, unreasonable and violative of principles of natural justice and also contrary to the judgments of this Hon'ble Court and apex court by setting aside the final order No. 02/62/(60)/94-WNP dt. 14-3-1995 and consequently direct the respondents to add the increments which were reduced.

Counsel for the Petitioner: MR.P.VENKATESWAR RAO, Advocate

Counsel for the Respondents: MR.P.VINAYAKA SWAMY (SC FOR APSRTC)

The Court, at the admission stage, made the following:

The Court at the admission stage made the following O R D E R:

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

The petitioner questions the order dated 14-03-1995 imposing punishment of postponement of annual increment for a period of two years, which shall have the effect of postponing the future increments.

The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting any enquiry.

This Court in **S.K.Mastan v. Managing Director, APSRTC**, held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one annual increment without cumulative effect.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of two years, which shall not have the effect of postponing the future increments. By virtue of this order, petitioner is not entitled for any monetary benefits from the date of punishment till this date. However, he is entitled for increments on notional calculation. No costs.

_____

(K.C.BHANU,J)

Dt:27th April, 2005

KVR

To

1 The Depot Manager, APSRTC, Nagarkunrool Bus Depot,
Mahabubnagar District.
2 The Depot Manager, APSRTC, Wanaparthy Bus Depot,
Mahabubnagar District.

3. 2 C.D. copies.